

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**UNITED STATES OF AMERICA and
STATE OF TEXAS, *ex rel.***

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**KATHERINE J. SIMMS
Relator**

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V.

A-10-CA-914-AWA

**AUSTIN RADIOLOGICAL
ASSOCIATION
Defendant**

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AMENDED SCHEDULING ORDER

Pursuant to Rule 16, Federal Rules of Civil Procedure, the following Scheduling Order is issued by the Court:

1. This Amended Scheduling Order, and all deadlines contained herein, shall replace the Court's January 20, 2012, Scheduling Order (Clerk's Doc. No. 42).
2. The parties shall file all motions for leave to amend or supplement pleadings or for leave to join additional parties by February 15, 2013.
3. All parties asserting claims for relief shall FILE their designation of testifying experts and serve on all parties, but not file, the materials required by Fed. R. Civ. P. 26(a)(2)(B) on or before July 1, 2013. Parties resisting claims for relief shall FILE their designation of testifying experts and serve on all parties, but not file, the materials required by Fed. R. Civ. P. 26(a)(2)(B) on or before August 1, 2013. All designations of rebuttal experts shall be FILED, and the materials required by Fed. R. Civ. P. 26(a)(2)(B) for such rebuttal experts, to the extent not already served, shall be SERVED, within 15 days of receipt of the report of the opposing expert.

4. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, within 14 days of receipt of the written report of the expert's proposed testimony, or within 14 days of the expert's deposition, if a deposition is taken, whichever is later.

5. The parties shall complete all discovery on or before September 16, 2013. Counsel may by agreement continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

6. All dispositive motions shall be filed no later than October 15, 2013. Dispositive motions filed pursuant to FED. R. CIV. P. 56, and responses to such motions, shall be limited to 20 pages in length. All other dispositive motions and responses shall be limited as set forth in Local Rule CV-7(c) & (d).

7. This case is set for a final pretrial conference on February 6, 2014, at 10:00 a.m. and set for jury trial on February 10, 2014, at 9:00 a.m. The parties should consult Local Rule CV-16(e) regarding matters to be filed in advance of trial.

8. The parties, however, are exempted from that portion of Local Rule CV-16(e) requiring that three days prior to trial they file "a list disclosing any objections, together with the grounds therefore, that may be made to the admissibility of any exhibits." In lieu of that requirement, the Court ORDERS that, after receiving the final exhibit list called for by Local Rule CV-16(e)(4), the parties confer with each other to discuss, and resolve if possible, any objections they may have to each other's exhibits. The Court further ORDERS that the parties be prepared to

inform the Court at the pretrial conference of the exhibits to which there is no objection, and the exhibits to which objections remain for resolution by the Court. The Court will determine at the pretrial conference whether to address at that time any evidentiary issues which may remain, or to reserve those matters for the trial.

9. In addition, the parties are exempted from Local Rule CV-16(e)(1), requiring the submission of questions for prospective jurors. The Court will conduct the preliminary, "generic" portion of the voir dire, but will permit each side a limited opportunity to ask their own questions.

SIGNED this 2nd day of October, 2012.



ANDREW W. AUSTIN
UNITED STATES MAGISTRATE JUDGE